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OFFICE OF PETITIONS

In re Application of :  
Cheng et al. :  
Application No. 10/003315 : ON PETITION  
Filing or 371(c) Date: 12/06/2001 :  
Attorney Docket Number: :  
004832.00073 :

This is a decision on the Petition to Revive an Unintentionally Abandoned Application Under 37 C.F.R. § 1.137(b), filed August 4, 2009.

This Petition is hereby **granted**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of April 17, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is July 18, 2008.

Applicant files the present petition, Notice of Appeal and fee. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a Notice of Appeal and fee; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

Accordingly, the petition is granted. The application is being referred to Technology Center Art Unit 2443 to await the brief in support of appeal.

**Applicant has two (2) months from the mailing date of this Decision to file an appeal brief.**  
**Extensions of time are available under 37 CFR 1.136(a).** Accord, MPEP 1215.01

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/  
Derek L. Woods  
Attorney  
Office of Petitions

# **Fee History Query** Revenue Accounting and Management

Name/Number: 10003315

Total Records Found: 18

Start Date: Any Date

End Date: Any Date.

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
09/28/2009	00000002	4	1402	-\$540.00	08/04/2009	DA 190733
08/04/2009	00012016	4	1402	\$540.00	08/04/2009	DA 190733
08/04/2009	00012015	4	1453	\$1,620.00	08/04/2009	DA 190733
10/17/2008	00008852	4	1401	\$540.00	10/17/2008	DA 190733
10/17/2008	00008851	4	1253	\$1,110.00	10/17/2008	DA 190733
08/22/2008	00008202	4	8021	\$40.00	08/22/2008	DA 190733
01/24/2008	00004335	4	1253	\$1,050.00	01/23/2008	DA 190733
01/24/2008	00003287	4	1253	\$1,050.00	01/23/2008	DA 190733
07/03/2007	00006402	4	1255	\$2,160.00	07/02/2007	DA 190733
07/03/2007	00006403	4	1801	\$790.00	07/02/2007	DA 190733
12/01/2006	00004138	4	1253	\$1,020.00	12/01/2006	DA 190733
12/01/2006	00004095	4	1401	\$500.00	12/01/2006	DA 190733
04/12/2006	00000156		1253	\$1,020.00	04/11/2006	DA 190733
06/29/2005	00000126	4	8021	\$120.00	06/29/2005	DA 190733
06/28/2005	00000102	4	8021	\$120.00	06/27/2005	DA 190733
02/26/2002	00000134	1	581	\$40.00	02/20/2002	CK
02/21/2002	00000001	1	205	\$65.00	02/15/2002	CK
12/10/2001	00000083	1	201	\$370.00	12/06/2001	CK

Adjustment Date: 09/28/2009 LDIEP1  
 08/04/2009 INTEFSW 00007719 190733 10003315  
 02 FC:1402 540.00 CR

09/28/2009 LDIEP1 00000002 190733 10003315  
 01 FC:1401 540.00 DA